

FEE TRANSMITTAL



Total Amount of Payment \$130.00

Complete if Known

Application No.	10/822,425
Filing Date	April 12, 2004
First Named Inventor	Roger L. Frick
Group Art Unit	2877
Examiner Name	Denise Brown Anderson
Atty. Docket Number	E252.12-0008

METHOD OF PAYMENT (Check One)

1. ☒ The Commissioner is hereby authorized to charge any additional fee required under 37 C.F.R. 1.16 and 1.17 and credit any over payments to Deposit Account No.11-0982. Deposit Account Name: Kinney & Lange, P.A. A duplicate copy of this communication is enclosed.

2. ☒ Check Enclosed

FEE CALCULATION

1. BASIC FILING FEE

Appn. Type	FILING FEE FEE/SMALL	SEARCH FEES FEE/SMALL	EXAM FEES FEE/SMALL	FEES
Utility	300 / 150	500 / 250	200 / 100	—
Design	200 / 100	100 / 50	130 / 65	—
Reissue	300 / 150	500 / 250	600 / 300	—
Provisional	200 / 100	-0- / -0-	-0- / -0-	—

Subtotal (1) \$00.00

2. EXTRA CLAIM FEES

	Number Claims	Prior**	Extra	Fee from Fee Paid Below	Fee Paid
Total	*	*	X	*	*
Indep.	*	*	X	*	*
Multiple Dependent Claims				*	*

**Insert 3 and 20, or number previously paid if greater; Reissue see below

Large Entity Fee Code	Fee (\$)	Small Entity Fee Code	Fee (\$)	Description
1202	50	2202	25	Claims in excess of 20
1201	200	2201	100	Independent claims in excess of 3
1203	360	2203	180	Multiple Dependent Claim
1204	200	2204	100	Reissue Independent Claims Over Original Patent
1205	50	2205	25	Reissue claims in excess of 20 and over original patent

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 small) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 C.F.R. 1.16(s). \$00.00

Subtotal (2) \$00.00

FEE CALCULATION (Continued)

3. ADDITIONAL FEES

Large Entity Fee Code	Fee (\$)	Small Entity Fee Code	Fee (\$)	Fee Description	Fee paid
1051	130	2051	65	Surcharge - Late filing fee or oath	*
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	*
1053	130	1053	130	Non-English specification	*
1812	2,520	1812	2,520	For Filing a Request for Reexamination	*
1251	120	2251	60	Extension for reply within first month	*
1252	450	2252	225	Extension for reply within second month	*
1253	1,020	2253	510	Extension for reply within third month	*
1254	1,590	2254	795	Extension for reply within fourth month	*
1255	2,160	2255	1,080	Extension for reply within fifth month	*
1402	500	2402	250	Filing a brief in support of an appeal	*
1403	1,000	2403	500	Request for oral hearing	*
1814	130	2814	65	Terminal Disclaimer Fee	130
1452	500	2452	250	Petition to revive - unavoidable	*
1453	1,500	2453	750	Petition to revive - unintentional	*
1501	1,400	2501	700	Utility/Reissue issue fee	*
1502	800	2502	400	Design issue fee	*
1460	130	1460	130	Petitions to the Commissioner	*
1807	50	1807	50	Petitions related to provisional applications	*
1806	180	1806	180	Submission of Information Disclosure Statement	*
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	*
1801	790	2801	395	Request for Continued Examination (RCE)	*
Other fee (specify) _____					*

Subtotal (3) \$130.00

Signature David R. Fairbairn

Reg. No. 26,047

Date 5/11/07

Deposit Account No. 11-0982



THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named

Inventor : Roger L. Frick

Appln. No. : 10/822,425

Filed : April 12, 2004

Title : ELECTROMAGNETIC RESONANT SENSOR
WITH DIELECTRIC BODY AND VARIABLE
GAP CAVITY (Amended)

Group Art Unit: 2877

Examiner:
Samuel A. Turner

Docket No. : E252.12-0008

**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING
REJECTION (37 C.F.R. 1.321(b))**

Mail Stop Amendment
Commissioner For Patents
P.O. Box 1450
Alexandria, VA 22313-1450

SENT VIA EXPRESS MAIL
Express Mail No.: EV 922425046 US

Interest of Person Making This Disclaimer

I, David R. Fairbairn, represent that

- ☐ an inventor of this invention.
- ☐ an assignee of this invention.
- ☒ a representative authorized to sign on behalf of the assignee of this invention.

Identity of Assignee and Title of Disclaimant (If Applicable)

The assignee is Rosemount Inc., 12001 Technology Drive, Eden Prairie, Minnesota 55344.

The title of the Disclaimant is OPTICAL SENSOR FOR MEASURING PHYSICAL AND MATERIAL PROPERTIES, and the Disclaimant is authorized to sign on behalf of Assignee.

Extent of Interest

The extent of assignee's interest is in

- ☒ the whole of this invention.
- ☐ a sectional interest in this invention as follows: .

Disclaimer

I/We hereby disclaim the term of any patent granted on the above-identified application subsequent to

☒ the full term of United States Patent No. 6,901,101 as presently shortened by any terminal disclaimer,

or

☐ the term of any patent granted on application number __,

and hereby agree that any patent so granted on the above-identified application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to

☒ United States Patent No. 6,901,101,

☐ any patent granted on application number __,


this agreement to run with any patent granted on the above-identified application and to be binding upon the grantor, its successors or assigns.

I do not disclaim any terminal part of any patent granted on the above-identified application prior to the expiration date of the full statutory term of

☒ United States Patent No. 6,901,101, as presently shortened by any terminal disclaimer

☐ any patent granted on application number __

in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. 1.321(a), has all claims canceled by a reexamination certificate, or is otherwise terminated prior to expiration of its statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

By: 
David R. Fairbairn
Attorney for Applicant

Date: 5/11/07

Inventor: Roger L. Frick

Application No.: 10/822,425

- 3 -

Fee Status

(37 C.F.R. 1.20(d))

☒ other than a small entity \$130.00

☐ small entity status of this

application is/has been asserted.

See 37 C.F.R. 1.27

\$ 65.00

Respectfully submitted,

KINNEY & LANGE, P.A.

Date:

5/11/07

By:



David R. Fairbairn, Reg. No. 26,047

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DRF:ks